

**REMARKS**

In the Office Action dated February 17, 2009, claims 1-3, 5-11 and 67-70 were examined with the result that all claims were rejected. In response, Applicant has amended claim 1 and added new claims 71-74. In view of the above amendments and following remarks, reconsideration of this application is requested.

Before turning to the rejections of record, Applicant would like to briefly summarize the amendment made to claim 1. Claim 1 has been amended to define the first and second cling film layers as being composed of a polyolefin, an acrylic modified polyolefin, a vinyl acetate modified polyolefin or an acrylic polymer. Support for this amendment can be found in paragraph 0011 at page 4 of the specification as filed. Thus, no new matter has been added to independent claim 1.

In the Office Action, claims 1, 2, 7, 8 and 67 were rejected under 35 U.S.C. §103(a) as obvious over Chen et al U.S. 6,271,278 in view of Inoue et al U.S. 6,893,715. Essentially, it is the Examiner's position that it would be obvious to modify the invention of Chen et al by incorporating the composition of Chen et al into a laminate structure as described by Inoue et al. Further, claims 5 and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chen et al in view of Inoue et al, as applied to claim 1, and further in view of Dobreski et al U.S. 4,820,589. Claims 3, 10 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chen et al in view of Inoue et al, as applied to claim 1, and further in view of Tuman et al U.S. 2001/0018110. Claims 68 and 69 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chen et al in view of Inoue et al, as applied to claim 2, and further in view of Mascarenhas et al U.S. 5,888,615. Finally, claim 70 was rejected under 35 U.S.C. §103(a) as being unpatentable over Chen et al in view of Inoue et al, as applied to claim 2, and further in view of Velazquez et al U.S. 5,614,297. In response, Applicant believes each of these rejections are primarily based upon Chen et al, and therefore distinguishing over Chen et al will overcome all of these rejections. Accordingly, Applicant has the following remarks.

The composition disclosed in Chen et al comprises a mixture of a styrene-ethylene-butylene-styrene copolymer (an SEBS copolymer) and a polyethylene polymer. Chen et al

specifically states that a combination of both the SEBS copolymer and the polyethylene polymer is necessary to achieve the adhesive properties desired therein. Applicant refers the Examiner to column 4, line 19 through column 5, line 6 of Chen et al wherein Chen et al states that the SEBS copolymer "generally exhibits limited self-adhesive properties" (column 4, lines 28-29), and to improve the adhesive properties of the SEBS block copolymer per se, a polyethylene polymer was mixed therewith. It is stated at column 4, line 61 through column 5, line 6 of Chen et al the polyethylene polymer provides the SEBS copolymer the desired adhesive properties, and the theory of why the polyethylene polymer functions to provide such desirable adhesive properties is discussed. The theory refers to the polyethylene polymer providing "more free volume" for block copolymer chain diffusion and provides "additional species of molecules" diffused across the interface of a film which results in improving the self-adhesive properties of an SEBS film. Essentially, in layman's terms, what Chen et al is stating is that SEBS copolymer is very tacky and as such is too tacky to be useful in certain adhesive applications. Therefore, the polyethylene polymer is added as a "detackifier" to the SEBS. The important point to note, however, is that Chen et al requires both the SEBS and the polyethylene in the mixture disclosed therein, and specifically requires both SEBS and polyethylene due to the different functions of each polymer in the mixture.

In contrast, Applicant's claim 1 specifies that the first and second cling film layers consist essentially of a polymer selected from the group consisting of a polyolefin, an acrylic modified polyolefin, a vinyl acetate modified polyolefin and an acrylic polymer. Although polyethylene is a polyolefin, an SEBS copolymer is not a polyolefin, is not an acrylic modified polyolefin, is not a vinyl acetate modified polyolefin and is not an acrylic polymer. Thus, claim 1 is clearly distinguishable over Chen et al.

Applicant now refers the Examiner to example 2 described at pages 19 and 20 of the specification as filed. Example 2 was performed to determine the effect of aging on the peel strength of cling laminates constructed in accordance with the present invention, and to compare the data obtained with that of prior art laminates disclosed in Mann et al US 5,085,655. The Examiner will note that the prior art laminate of Mann et al '655 uses an SEBS block copolymer as the auto-adhesive layer. As shown in Table 2B on page 20, a laminate

Application No. 10/700,761  
Amendment Dated August 14, 2009  
Reply to Office Action of February 17, 2009

using an SEBS block copolymer results in the peel strengths of a laminate increasing dramatically over time. The Examiner should note that after 13 days the peel strength of the SEBS-based adhesive of Mann et al almost doubles as compared to the peel strength at one hour and/or one day. In contrast, the peel strengths of the cling laminates made in accordance with the present invention did not increase to any significant degree during aging, even after 13 days of aging (see Table 2A). Thus, Applicant's composition is clearly different both in structure as well as function. Thus, the transitional phrase "consist essentially of" now set forth in claim 1 clearly distinguishes claim 1 from Chen et al because claim 1 would clearly not encompass the use of a mixture of polyethylene and SEBS copolymer.

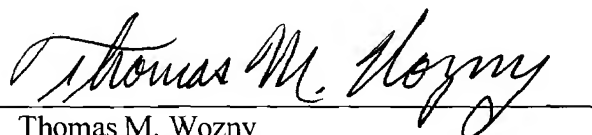
New claims 71-74 were added for claim differentiation purposes. Claims 71-74 require both cling film layers to be the same polymer whereas claim 1 is broader because each cling film layer may be the same or different, as the term "independently" denotes.

In the Office Action, claims 1-3, 5-11 and 67-70 were provisionally rejected on the grounds of non-statutory obviousness type double patenting as being unpatentable over the claims of co-pending application nos. 10/981,046 and 10/867,438 in view of Mann et al U.S. 5,085,655. In response, Applicant states it will file an appropriate Terminal Disclaimer to obviate these double patenting rejections upon the indication of allowable subject matter by the Examiner in the present patent application.

An effort has been made to place this application in condition for allowance and such action is earnestly requested.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By   
Thomas M. Wozny  
Reg. No. 28,922

100 East Wisconsin Avenue, Suite 1100  
Milwaukee, Wisconsin 53202  
Telephone: (414) 271-7590

Application No. 10/700,761  
Amendment Dated August 14, 2009  
Reply to Office Action of February 17, 2009

Facsimile: (414) 271-5770